

REMARKS

This Amendment, which is filed concurrently with a Request for Continued Examination, satisfies the submission requirement of 37 C.F.R. § 1.114 and responds to the final Office Action dated 30 March 2009. Claims 1, 8, 10, 11, 20, 21, 28, 30, 31, and 40-43 have been amended. Support for these amendments can be found variously throughout the specification, including, for example, original claims 1-43. No new matter has been added by way of these amendments. Accordingly, claims 1-8, 10-18, 20-28, 30-38, and 40-43 are presently pending in the application, each of which Applicants believe is in condition for allowance.

For purposes of simplicity and clarity, Applicants' remarks are primarily focused on the rejections applied to independent claims 1, 11, 21, 31, and 41-43, with the understanding that the dependent claims are patentable for at least the same reasons that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

Claim Objections

Applicants thank the Examiner for withdrawing his objections to claims 5, 15, and 35.

Claim Rejections – 35 U.S.C. § 103

In the Action, the Examiner rejected claims 1-8, 10-18, 20-28, 30-38, and 40-43 under 35 U.S.C. § 103(a) for allegedly being unpatentable over U.S. Patent No. 6,615,365 to Jenevein et al. ("Jenevein") in view of GB Patent No. GB2376093 to Guy

Leech (“Leech”). Applicants respectfully traverse these rejections for at least the reasons set forth below.

Independent claims 1, 11, 41, and 42 each recite, *inter alia*, “protecting [a] locally-stored image file from accidental user deletion or modification by initiating a process at system startup that opens the locally-stored image file to block subsequent processes from accessing the locally-stored image file.” Similarly, independent claims 21 and 31 each recite, *inter alia*, “a protection component programmed to protect [a] locally-stored image file from accidental user deletion or modification by initiating a process at system startup that opens the locally-stored image file to block subsequent processes from accessing the locally-stored image file,” while independent claim 43 recites, *inter alia*, “program code to protect [a] locally-stored image file from accidental user deletion or modification by initiating a process at system startup that opens the locally-stored image file to block subsequent processes from accessing the locally-stored image file.”

Jenevein, in contrast, clearly fails to disclose, teach, or suggest protecting a locally-stored image file from accidental user deletion or modification by initiating a process at system startup that opens the locally-stored image file to block subsequent processes from accessing the locally-stored image file. For example, while Jenevein states that “portions of the system data” (such as system data 102, 402, and 502 in FIGS. 3-5) may be stored “in a known, fixed location within the imaged partition 300” that may be “marked as system, hidden, and read-only so it is not easily accessible to the end-user and is not easily deleted or overwritten” (col. 15, lines 3-10), Jenevein clearly fails to disclose, teach, or suggest protecting an “in-partition image” (such as

images 302, 420, 422, 424, 532, and 534 in FIGS. 3-5) by initiating a process at startup that opens the locally-stored image file to block subsequent processes from accessing the locally-stored image file.

Moreover, Applicants have not been able to identify within Leech, nor has the Examiner alleged that Leech contains, any teaching that remedies this deficiency. Accordingly, because Jenevein and Leech, either alone or in combination, fail to disclose, teach, or suggest each and every limitation of independent claims 1, 11, 21, 31, and 41-43, a *prima facie* case of obviousness has not been established. *See, e.g., In re Royka*, 490 F.2d 981, 985 (CCPA 1974) (holding that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art) (emphasis added); *accord.* MPEP § 2143.03 (“To establish a *prima facie* case of obviousness . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations.”) (emphasis added).

In addition, because claims 2-8, 10, 12-18, 20, 22-28, 30, 32-38, and 40 depend from independent claims 1, 11, 21, or 31, Applicants submit that these claims are allowable for at least the same reasons given above with respect to independent claims 1, 11, 21, and 31. Applicants also submit that claims 2-8, 10, 12-18, 20, 22-28, 30, 32-38, and 40 are further distinguished over the cited prior art by the additional elements recited therein, and particularly with respect to each claimed combination. Applicants therefore respectfully request withdrawal of these rejections and allowance of the claims.

Conclusion

For at least the foregoing reasons, Applicants believe that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicants respectfully request a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicants invite the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Applicants expressly disclaim all arguments, representations, and/or amendments presented or contained in any other patent or patent application, including any patents or patent applications claimed for priority purposes by the present application or any patents or patent applications that claim priority to this patent application. Moreover, all arguments, representations, and/or amendments presented or contained in the present patent application are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application.

Respectfully submitted,



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